APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,505	03/20/2001	Gopal K. Garg	0325.00454	1804

21363	7590	09/02/2004

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EXAMINER
KIANERSI, MITRA

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">

Office Action Summary</td><td>Application No.
09/812,505</td><td>Applicant(s)
GARG ET AL.</td><td></td></tr>
<tr><td>Examiner
mitra kianersi</td><td>Art Unit
2143</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claims 1-20 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson

et al. (US PG. Pub 20020152305)

1.   As per claim 1, a method for providing orderly service delivery to clients over a

network, comprising the steps:

(A) requesting data from a location; (a content delivery server receives requests for

content from remote browser clients via the network, accesses a file system to retrieve

the requested content, and delivers the content to the client [0079]).

(B) if a denial is received, notifying client of particular availability. (Upon receipt of a

request for content or services, the request may be filtered by system monitor 240.

Such filtering may serve as a screening agent to filter out requests that the receiving

system is not capable of processing (e.g., requests for file writes from read-only system

embodiments, unsupported protocols, content/services unavailable on system 200,

etc.). Such requests may be rejected outright and the requestor notified, may be re-

directed to a server 201 or other content delivery system 200 capable of handling the

request, or may be disposed of any other desired manner [0200]).

2.   As per claim 2, the method according to claim 1, further comprising the step (C)

distributing available resources of the network. (distributed set of platforms either full

system or distributed subsystems across a network, and which may be further

configured to be capable of delivering such features at the edge of a network in a manner that is network transport independent [0017]).

3.   As per claim 3, the method according to claim 2, further comprising the step of: distributing available resources of a server. (greater predictability in the capability of a network server, switch or router to process and manage information such as content requests, and acceleration in the delivery of information across a network utilizing such computing systems [0009]).

4.   As per claims 4 and 15, the method according to claim wherein step (B) further comprises:

determining a network failure condition. (a failed processing engine or module may broadcast a failure alarm by multicast communication to other members of the group that indicates it has already failed or that failure is imminent [0409]).

5.   As per claims 5 and 16, the method according claim 1, wherein step (B) further comprises:

determining a server status. (transfer of information (e.g., data, content, requests for content, commands, resource status information, etc.) between two or more clustered systems may be managed in a deterministic fashion in a manner similar to that described herein for the intra-system transfer of information between individual processing engines within a single information management system.[0239])

6.   As per claims 6 and 17, the method according to claim wherein step (B) further comprises:

queuing bandwidth requirement information. (system or subsystem resources such as available storage access, available application memory, available processor capacity, available network bandwidth, etc. Such parameters may be utilized in a number of ways to deterministically manage information. For example, requests for information delivery may be rejected or queued based on availability of necessary system or subsystem resources, and/or necessary resources may be allocated or reserved in advance of handling a particular information request, e.g., as part of an end-to-end resource reservation scheme [0216])

7.   As per claims 7 and 18, the method according to claim wherein step (B) further comprises:

notifying the particular client. (a system monitor may receive notifications generated by and transmitted from one or more of the various subsystems. Such notifications may be indicative of the availability of the resources of the various subsystems, [0227]).

8.   As per claims 8 and 19, the method according to claim wherein step (B) further comprises:

indicating an availability. (a system monitor may receive notifications generated by and transmitted from one or more of the various subsystems. Such notifications may be indicative of the availability of the resources of the various subsystems, [0227]).

9.   As per claims 9 and 20, the method according to claim 1,wherein step (B) further comprises:

determining a configuration of said particular client machine. (reconfiguration of the allocation of system hardware (as discussed below with reference to FIGS. 1C-1F), programming the application processing engine, diagnostic testing, and any other management or control tasks.[0130])

10.   As per claim 10, the method according claim 1, wherein step further comprises: queuing said particular client for information to provide service. (other nodes 1520 having oversubscribed resources that must be allocated/queued for more slowly serving requests associated with lower cost/lower quality SLA policies, etc [0306]).

11.   As per claim 11, the method according to claim 10, wherein said information comprises:

-a network location, (location in the transport processing engine of the previously setup state and management information or the corresponding network session [0111]). reachability information (when a given information management system will reach a level of resource utilization that justifies deployment of an additional information management system, expansion of the given information management system (e.g. addition of processing engines, etc.), etc. [0464]) and time constraints (over a course of time [0030]).

12.   As per claim 12, an apparatus comprising: means for providing orderly service delivery client machines over a network; (a content delivery server receives requests for content from remote browser clients via the network, accesses a file system to retrieve the requested content, and delivers the content to the client [0079]).
means requesting data from a location; and means for notifying particular client machine of availability if a denial is received. (Upon receipt of a request for content or services, the request may be filtered by system monitor 240. Such filtering may serve as a screening agent to filter out requests that the receiving system is not capable of processing (e.g., requests for file writes from read-only system embodiments, unsupported protocols, content/services unavailable on system 200, etc.). Such requests may be rejected outright and the requestor notified, may be re-directed to a server 201 or other content delivery system 200 capable of handling the request, or may be disposed of any other desired manner [0200]).

13.   As per claim 13, an apparatus comprising: a server configured to provide orderly service delivery to a number of clients configured to request information from said server, wherein said number of clients and said server are configured to communicate over a network. (communication between two individual systems each configured similar to content delivery system 1010 may be made through network interface1022 and/or 1023. [0143]).

14.   As per claim 14, the apparatus is further configured to clearly distribute available according to claim 13, wherein said apparatus resources of said server and said network. (distributed set of platforms either full system or distributed subsystems across a network, and which may be further configured to be capable of delivering such features at the edge of a network in a manner that is network transport independent [0017]) and (greater predictability in the capability of a network server, switch or router to process and manage information such as content requests, and acceleration in the delivery of information across a network utilizing such computing systems [0009]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (703) 305-4650. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitra Kianersi
08/27/2004

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